

**AGENDA**  
**FREEPORT TOWN COUNCIL MEETING #1-2001**  
**TOWN HALL COUNCIL CHAMBERS**  
**January 2, 2001 - 7:00 P.M.**

**SPECIAL NOTE:** This agenda is a working agenda that includes background information and is for distribution to Council members only.

**FROM:** Dale C. Olmstead, Jr.

**TO:** John Arsenault, Chairperson, Prout Road  
Robert Stevens, Vice Chairperson, Porters Landing  
David Soley, Arnold Road  
Genie Beaulieu, Larue Drive  
Kenneth Mann, Mann Road  
Karen Bricklemeyer, Bears Run  
Eileen Lowell, South Freeport Road

**FIRST ORDER OF BUSINESS:** To waive the reading of the Minutes of #22-2000, December 19, 2000 Meeting and accept the Minutes as printed.

**SECOND ORDER OF BUSINESS:** Public Comment Period - 30 minutes  
(Non-Agenda Items Only)

**THIRD ORDER OF BUSINESS:** To take action on the following items of business as read by the Council Chairperson.

**MEETING #1-01  
JANUARY 2, 2001**

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**Item #6-01** To consider action relative to adopting the January 2, 2001 Consent Agenda, Items #1-01 to #5-01.

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**BE IT ORDERED:** That the January 2, 2001 Consent Agenda be adopted.

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**Item #7-01** To consider action relative to proposed amendments to the Zoning Ordinance concerning the expanded use of warehouse and storage facilities in the MD-A and MD-B districts. (Chapter 21) Public Hearing.

---

**MOTION:** That the Public Hearing be opened.

**MOTION:** That the Public hearing be closed.

**BE IT ORDERED:** That the proposed amendments to the Zoning Ordinance be approved.

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**Item #8-01** To consider action relative to an amendment to the Zoning Ordinance concerning Drive-Up restaurants in the C-1 District. (Chapter 21) Public Hearing.

---

**MOTION:** That the Public Hearing be opened.

**MOTION:** That the Public hearing be closed.

**BE IT ORDERED:** That the proposed amendments to the Zoning Ordinance be approved.

**MEETING #1-01  
JANUARY 2, 2001**

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**Item #9-01** To consider action relative to a proposed extension and amendment to the Moratorium on processing applications for major subdivisions. Public Hearing

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**MOTION:** That the Public Hearing be opened.

**MOTION:** That the Public hearing be closed.

**WHEREAS,** with the goals of preparing for and effectively managing anticipated residential growth in the Town of Freeport, the Freeport Town Council has created a Residential Growth Management Committee consisting of 15 members of the community; and

**WHEREAS,** the Residential Growth Management Committee is charged with identifying growth areas, making recommendations for revisions to the Town's subdivision regulations, making recommendations for the protection of open space, identifying areas of special significance, and developing a system of development impact fees; and

**WHEREAS,** the Residential Growth Management Committee is working ~~diligently on its recommendations but needs more time before it is ready to report to the~~ Freeport Town Council; and

**WHEREAS,** there remain many large tracts of undeveloped land in Freeport which are currently zoned to allow residential development; and

**WHEREAS,** the Town Council anticipates that continued residential growth in Greater Portland will put development pressure on the open land in Freeport; and

**WHEREAS,** until the Residential Growth Management Committee completes its work and the Town takes steps to implement the recommendations made by the Committee, the application of the Town's existing Comprehensive Plan and land use ordinances is inadequate to prevent serious public harm from rapid, uncontrolled residential development; and

**WHEREAS,** "major subdivisions," defined in the Town of Freeport Subdivision Ordinance as "any subdivision containing more than five (5) lots, or any subdivision requiring any new public street, extension, or the extension of municipal facilities," create the greatest potential for serious adverse impact if they are developed before the Town has had the opportunity to revise, update and strengthen its land use ordinances; and

**WHEREAS,** planned retirement communities providing care and services to elderly households do not pose the same potential problems as other types of major subdivisions; and

**WHEREAS,** the Town Council finds that the problems giving rise to the need for a moratorium continue to exist and that reasonable progress is being made to alleviate the problems;

**MEETING #1-01  
JANUARY 2, 2001**

**Item #9-01 – continued**

**NOW, THEREFORE, the Town of Freeport hereby ordains as follows:**

1. **Acceptance, processing and acting upon applications prohibited.** During the time this Ordinance is in effect, no officer, official, employee, office, board or agency of the Town of Freeport shall accept, process, approve, deny, or in any other way act upon any application for a "major subdivision," as defined in Section 25-301(20) of the Freeport Subdivision Ordinance.
2. **Applicability.** Notwithstanding anything to the contrary in 1 M.R.S.A. § 302, this Ordinance applies to any application for a major subdivision which had not become a "pending proceeding" as defined in 1 M.R.S.A. § 302 prior to July 14, 2000.
3. **Effective date and duration.** This Ordinance takes effect immediately upon enactment by the Freeport Town Council and shall remain in effect through July 13, 2001, unless extended, amended or repealed by the Freeport Town Council.
4. **Exception for retirement communities.** This Ordinance shall not apply to any subdivision which is a retirement community. For purposes of this Ordinance, "retirement community" means a planned community which provides housing for elderly persons in a variety of housing types, which can accommodate at least 150 residents, which provides a variety of levels of care and a range of services to elderly persons, and which is designed to provide a sense of unified development with a common design character. For purposes of this Ordinance, "elderly person" means a person age 55 or older.
5. **Extension of Moratorium Ordinance.** This Ordinance extends and amends the Town of Freeport Moratorium on Processing Applications for Major Subdivisions enacted by the Freeport Town Council on August 1, 2000.

**MEETING #1-01  
JANUARY 2, 2001**

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**Item #10-01** To consider action relative to a proposed Zoning Map Amendment which relocates the Resource Protection II District on Tax Map 15, Lots 10 & 11. Public Hearing.

---

**MOTION:** That the Public Hearing be opened.

**MOTION:** That the Public hearing be closed.

**BE IT ORDERED:** That the proposed amendment to the Zoning Map be approved.

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**Item #11-01** To consider action relative to a proposed amendment to the Administrative Code concerning the election of officers for Boards and Committees (Chapter 2) Public Hearing.

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**MOTION:** That the Public Hearing be opened.

**MOTION:** That the Public hearing be closed.

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**BE IT ORDERED:** That the proposed amendment to the Administrative Code be approved.

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**Item #12-01** To consider action relative to proposed amendments to the Shellfish Conservation Ordinance concerning licensing. (Chapter 32)

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**BE IT ORDERED:** That a Public Hearing be scheduled on January 16, 2001 at 7:00 P.M. in the Town Hall Council Chambers to discuss proposed amendments to the Shellfish Conservation Ordinance.

**BE IT FURTHER ORDERED:** That 30 copies be made and distributed equally between the Town Clerk's Office and the Freeport Community Library for inspection by citizens.

**MEETING #1-01  
JANUARY 2. 2001**

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**Item #13-01** To consider action relative to adopting an Ordinance banning the sale of mercury thermometers.

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**BE IT ORDERED:** That a Public Hearing be scheduled on January 16, 2001 at 7:00 P.M. in the Town Hall Council Chambers to discuss the proposed adoption of a Ordinance banning the sale of mercury thermometers.

**BE IT FURTHER ORDERED:** That 30 copies be made and distributed equally between the Town Clerk's Office and the Freeport Community Library for inspection by citizens.

**OTHER BUSINESS:**

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1. Request for financial assistance from the Community Center Coalition.
2. Request for financial assistance from the Freeport Elders Association.

**END OF AGENDA**

**FREEPORT TOWN COUNCIL MEETING #1-01  
FREEPORT TOWN HALL COUNCIL CHAMBERS  
JANUARY 2, 2001**

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| <b>Item #6-01</b> | To consider action relative to adopting the January 2, 2001 Consent Agenda, Items #1-01 to #5-01. |
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| <b>Item #7-01</b> | To consider action relative to proposed amendments to the Zoning Ordinance concerning the expanded use of warehouse and storage facilities in the MD-A and MD-B districts. (Chapter 21) Public Hearing. |
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| <b>Item #8-01</b> | To consider action relative to an amendment to the Zoning Ordinance concerning Drive-Up restaurants in the C-1 District. (Chapter 21) Public Hearing. |
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**OTHER BUSINESS:**

1. Request for financial assistance from the Community Center Coalition.
2. Request for financial assistance from the Freeport Elders Association.

**END OF AGENDA**

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #1-2001**  
**TOWN HALL COUNCIL CHAMBERS**  
**January 2, 2001 – 7 P.M.**

<b><u>CHAIRPERSON'S CALL TO ORDER:</u></b>	<b><u>Present</u></b>	<b><u>Absent</u></b>	<b><u>Excused</u></b>
John Arsenault, Vice Chair Prout Road	X		
Genie Beaulieu Larue Drive	X		
Karen Bricklemyer Bears Run	X		
Eileen Lowell South Freeport Road	X		
Kenneth Mann Mann Road	X		
David Soley, Chairperson Arnold Road	X		
Robert Stevens Porters Landing			X

**FIRST ORDER OF BUSINESS:** TO WAIVE THE READING OF THE MINUTES OF MEETING #22-2000 HELD ON DECEMBER 19, 2000 AND ACCEPT THE MINUTES AS PRINTED.

**MOVED AND SECONDED:** Under Item #223-00, that the following sentences should be inserted at the bottom of Page 2:

"Mr. Bolduc explained that he purchased the property in 1993. He always parked cars on the opposite side of the street until 1999. He also never had a fence but is willing to erect one but needs some time to get it up. Mr. Olmstead noted that he spoke to the Codes" (Councilors Beaulieu and Mann) (6 Ayes) (1 Excused—Stevens).

**MOVED AND SECONDED:** To change on Page 6 "Mr. Soley advised that the pins were off a bit" to "Mr. Soley advised that there were minor discrepancies between the pins and the calls, but the Town could do an agreement with the neighbors." (Councilors Soley and Mann) (6 Ayes) (1 Excused—Stevens).

**MOVED AND SECONDED:** TO WAIVE THE READING OF THE MINUTES OF MEETING #22-2000 HELD ON DECEMBER 19, 2000 AND ACCEPT THE MINUTES AS AMENDED (Councilors Beaulieu & Mann) ROLL CALL VOTE: (6Ayes) (1 Excused—Mann).



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**SECOND ORDER OF BUSINESS:** Public Comment Period – 30 minutes (Non-Agenda Items Only).

Councilor Mann became a member of the public for a moment and noted that it is nice to have a little good natured fun with fellow Councilors. At the last meeting which was his first meeting with the newly elected Councilors, it was mentioned that he was “a thorn between two roses” In that good natured light, he presented roses to Councilors Lowell and Bricklemyer.

**MOVED AND SECONDED:** To close the public hearing. (Councilors Beaulieu & Soley) (6 Ayes) (1 Excused—Stevens).

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**THIRD ORDER OF BUSINESS:** To take action on the following items of business as read by the Council Chairperson:

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Item #6-01      To consider action relative to adopting the January 2, 2001 Consent Agenda, Items #1-01 to #5-01.

---

**BE IT ORDERED:** That the January 2, 2001 Consent Agenda be adopted. (Councilors Beaulieu & Bricklemyer) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Stevens).

---

Item #7-01      To consider action relative to proposed amendments to the Zoning Ordinance concerning the expanded use of warehouse and storage facilities in the MD-A and MD-B districts. (Chapter 21) Public Hearing.

---

**MOVED AND SECONDED:** That the Public Hearing be opened. (Councilors Lowell & Beaulieu) (6 Ayes) (1 Excused—Stevens).

Town Planner Larson explained the amendments.

**MOVED AND SECONDED:** That the Public hearing be closed. (Councilors Lowell & Beaulieu) (6 Ayes) (1 Excused—Stevens).

**BE IT ORDERED:** That the proposed amendments to the Zoning Ordinance be approved. (Councilors Lowell & Soley) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Stevens).

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**MEETING #1-2001**

**January 2, 2001**

**Item #8-01** To consider action relative to an amendment to the Zoning Ordinance concerning Drive-Up restaurants in the C-1 District. (Chapter 21) Public Hearing.

---

**MOVED AND SECONDED:** That the Public Hearing be opened. (Councilors Mann & Beaulieu) (6 Ayes) (1 Excused—Stevens).

Town Planner Larson explained that this request came from Dunkin Donuts and the reason for the amendments.

**MOVED AND SECONDED:** That the Public hearing be closed. (Councilors Mann & Beaulieu) (6 Ayes) (1 Excused—Stevens).

**BE IT ORDERED:** That the proposed amendments to the Zoning Ordinance be approved. (Councilors Mann & Beaulieu) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Stevens).

---

**Item #9-01** To consider action relative to a proposed extension and amendment to the Moratorium on processing applications for major subdivisions. Public Hearing

---

**MOVED AND SECONDED:** That the Public Hearing be opened. (Councilors Soley & Beaulieu) (6 Ayes) (1 Excused—Stevens).

Councilor Soley explained that a committee is working on a comprehensive proposal on how to manage residential growth in Freeport and will be giving their report on January 30 at Mast Landing School. It is being proposed tonight to extend the moratorium to July 13, 2001.

Town Planner Larson answered questions.

**MOVED AND SECONDED:** That the Public hearing be closed. (Councilors Soley & Beaulieu) (6 Ayes) (1 Excused—Stevens).

**MOVED AND SECONDED:** To eliminate the words “which can accommodate at least 150 residents,” from #4. (Councilors Mann & Soley) (6 Ayes) (1 Excused—Stevens).

WHEREAS, with the goals of preparing for and effectively managing anticipated residential growth in the Town of Freeport, the Freeport Town Council has created a Residential Growth Management Committee consisting of 15 members of the community; and

WHEREAS, the Residential Growth Management Committee is charged with identifying growth areas, making recommendations for revisions to the Town’s subdivision regulations, making recommendations for the protection of open space,

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**January 2, 2001**

identifying areas of special significance, and developing a system of development impact fees; and

**WHEREAS**, the Residential Growth Management Committee is working diligently on its recommendations but needs more time before it is ready to report to the Freeport Town Council; and

**WHEREAS**, there remain many large tracts of undeveloped land in Freeport which are currently zoned to allow residential development; and

**WHEREAS**, the Town Council anticipates that continued residential growth in Greater Portland will put development pressure on the open land in Freeport; and

**WHEREAS**, until the Residential Growth Management Committee completes its work and the Town takes steps to implement the recommendations made by the Committee, the application of the Town's existing Comprehensive Plan and land use ordinances is inadequate to prevent serious public harm from rapid, uncontrolled residential development; and

**WHEREAS**, "major subdivisions," defined in the Town of Freeport Subdivision Ordinance as "any subdivision containing more than five (5) lots, or any subdivision requiring any new public street, extension, or the extension of municipal facilities," create the greatest potential for serious adverse impact if they are developed before the Town has had the opportunity to revise, update and strengthen its land use ordinances; and

**WHEREAS**, planned retirement communities providing care and services to elderly households do not pose the same potential problems as other types of major subdivisions; and

**WHEREAS**, the Town Council finds that the problems giving rise to the need for a moratorium continue to exist and that reasonable progress is being made to alleviate the problems;

**NOW, THEREFORE**, the Town of Freeport hereby ordains as follows:

1. Acceptance, processing and acting upon applications prohibited. During the time this Ordinance is in effect, no officer, official, employee, office, board or agency of the Town of Freeport shall accept, process, approve, deny, or in any other way act upon any application for a "major subdivision," as defined in Section 25-301(20) of the Freeport Subdivision Ordinance.
2. Applicability. Notwithstanding anything to the contrary in 1 M.R.S.A. § 302, this Ordinance applies to any application for a major subdivision which had not become a "pending proceeding" as defined in 1 M.R.S.A. § 302 prior to July 14, 2000.
3. Effective date and duration. This Ordinance takes effect immediately upon enactment by the Freeport Town Council and shall remain in effect through July 13, 2001, unless extended, amended or repealed by the Freeport Town Council.

MEETING #1-2001

January 2, 2001

4. Exception for retirement communities. This Ordinance shall not apply to any subdivision which is a retirement community. For purposes of this Ordinance, "retirement community" means a planned community which provides housing for elderly persons in a variety of housing types, ~~which can accommodate at least 150 residents,~~ which provides a variety of levels of care and a range of services to elderly persons, and which is designed to provide a sense of unified development with a common design character. For purposes of this Ordinance, "elderly person" means a person age 55 or older.

5. Extension of Moratorium Ordinance. This Ordinance extends and amends the Town of Freeport Moratorium on Processing Applications for Major Subdivisions enacted by the Freeport Town Council on August 1, 2000.

**MOVED AND SECONDED:** That we approve the extension and amendment to the Moratorium as amended. (Councilors Soley & Beaulieu) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Stevens).

---

Item #10-01 To consider action relative to a proposed Zoning Map Amendment which relocates the Resource Protection II District on Tax Map 15, Lots 10 & 11. Public Hearing.

---

**MOVED AND SECONDED:** That the Public Hearing be opened.(Councilors Bricklemyer & Beaulieu) (6 Ayes) (1 Excused—Stevens).

Town Planner Larson explained the proposed map amendment and answered questions.

**MOVED AND SECONDED:** That the Public hearing be closed. (Councilors Beaulieu & Soley) (6 Ayes) (1 Excused—Stevens).

**BE IT ORDERED:** That the proposed amendment to the Zoning Map be approved. (Councilors Bricklemyer & Soley) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Stevens).

---

Item #11-01 To consider action relative to a proposed amendment to the Administrative Code concerning the election of officers for Boards and Committees (Chapter 2) Public Hearing.

---

**MOVED AND SECONDED:** That the Public Hearing be opened.(Councilors Beaulieu & Bricklemyer) (6 Ayes) (1 Excused—Stevens).

Councilor Beaulieu explained the reasons for this proposed amendment.

**MOVED AND SECONDED:** That the Public hearing be closed (Councilors Soley & Bricklemeyer) (6 Ayes) (1 Excused—Stevens)..

**BE IT ORDERED:** That the proposed amendment to the Administrative Code be approved. (Councilors Beaulieu & Soley) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Stevens).

---

Item #12-01 To consider action relative to proposed amendments to the Shellfish Conservation Ordinance concerning licensing. (Chapter 32)

---

**BE IT ORDERED:** That a Public Hearing be scheduled on January 16, 2001 at 7:00 P.M. in the Town Hall Council Chambers to discuss proposed amendments to the Shellfish Conservation Ordinance.

**BE IT FURTHER ORDERED:** That 30 copies be made and distributed equally between the Town Clerk's Office and the Freeport Community Library for inspection by citizens. (Councilors Lowell & Beaulieu)

Chair Arsenault explained that these amendments are being requested by the Shellfish Commission.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused—Stevens).

---

Item #13-01 To consider action relative to adopting an Ordinance banning the sale of mercury thermometers.

---

**BE IT ORDERED:** That a Public Hearing be scheduled on January 16, 2001 at 7:00 P.M. in the Town Hall Council Chambers to discuss the proposed adoption of a Ordinance banning the sale of mercury thermometers.

**BE IT FURTHER ORDERED:** That 30 copies be made and distributed equally between the Town Clerk's Office and the Freeport Community Library for inspection by citizens. (Councilors Mann & Beaulieu).

Councilor Soley urged members of the public to come and share their thoughts on this issue at the public hearing.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused—Stevens).

**OTHER BUSINESS:**

**Request for financial assistance from the Community Center Coalition.**

Chairman, Ed Bradley explained that members of the Coalition are here tonight to show support for the request for financial assistance. They did not receive a State Planning Grant last year but have continued to meet weekly and came up with \$140,000 to purchase the DeLorme property. He summarized what the community center will do for Freeport. They need to make a decision on the development of the building. They are at a point where they need \$10,000. They are reserving space for historical record preservation within the building that is climate controlled. He asked that the Town appoint someone to coordinate the Town's needs for this space. He also asked if a workshop could be scheduled with the Council to talk through issues and develop joint interests. Councilor Soley suggested that the Municipal Facilities Committee work with the Coalition several times between now and April and then in April a workshop with the Council could be scheduled. Mr. Olmstead offered to call Mr. Bradley tomorrow and schedule a non-Tuesday workshop.

Councilor Soley shared his concerns with taking money out of the Miscellaneous and Contingency Fund when no one knows how much will be needed for snowplowing and removal. Councilor Beaulieu concurred. Chair Arsenault advised that Councilor Stevens supports this coalition but shares the same concerns that Councilors Soley and Beaulieu have. Mr. Olmstead explained the fund to new Councilors.

The following people introduced themselves: Heather Fraser, Beth Findlayson, Julie Fraser, Elizabeth Guffy, Pat Gile, Sally Amory, Gail Senaise, Betsy Ruff and Beth Edmonds.

Mr. Bradley thanked everyone for listening. Discussion followed.

**MOVED AND SECONDED:** To take up an item not on the printed agenda. (Councilors Mann & Soley) (6 Ayes) (1 Excused—Stevens).

**MOVED AND SECONDED:** To expend \$5,000 from the Miscellaneous and Contingency account for the Community Center Coalition for the purposes of their budget towards the determination of the use of the DeLorme Building and that reports be given on a regular basis to the Town Manager on all the monies used. (Councilors Mann & Beaulieu)

**ROLL CALL VOTE:** (6 Ayes) (1 Excused—Stevens).

**Request for financial assistance from the Freeport Elders Association.**

Pat Giles, Chair of the Freeport Elders Association explained that they are requesting \$3,000 to fund their Staff Resource person, Susan Weeks. They had planned on grant

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**January 2, 2001**

money to fund a position but the money has not come forth. She miscalculated the process. Miss Weeks' hours have been cut back to 15. She explained the various forms of fundraising they engage in. They continue to apply for grants and are looking for more opportunities.

Chair Arsenault shared Councilor Stevens' position that he would support this stipend request if this one-time request would create money for this purpose next year. Chair Arsenault noted that he feels it is important to support the elderly. Councilors Mann and Bricklemeyer concurred that it is important to support the elders but hope they use the coalition to network and get some additional funding. Discussion followed. Elaine Wilmot noted that they are working hard and would appreciate some help in this particular situation.

**MOVED AND SECONDED:** To expend \$3,000 from the Miscellaneous and Contingency Fund for a one-time stipend fee for the Elders Association and there will not be a second time. (Councilors Arsenault & Mann) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Stevens).

**ADJOURNMENT**

**MOVED AND SECONDED:** To adjourn at 9:25 p.m. (Councilors Bricklemeyer & Beaulieu) (6 Ayes) (1 Excused—Stevens).

Respectfully Submitted,



Sharon Coffin  
Council Secretary

**FREEPORT TOWN COUNCIL**

**CONSENT AGENDA**

**JANUARY 2, 2001**

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**Item #1-01** To consider action relative to a Malt, Spirituous and Vinous License for the Harraseeket Inn.

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**BE IT ORDERED:** That the Malt, Spirituous and Vinous License re-application of Nancy Gray d/b/a Harraseeket Inn, 162 Main Street, be approved.

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**Item #2-01** To consider action relative to the acceptance of donations to the Freeport Community Library for the Year 2000.

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<b><u>NAME</u></b>	<b><u>DONATION</u></b>	<b><u>VALUE</u></b>
LOLA LEA	AUDIO BOOKS	\$ 150.00
KEVIN ZORSKI	OPEN GIFT	\$ 50.15
BARBARA HADLOCK	L. ROWE	\$ 100.00
MATTHEW SLEETH/JACK MONTGOMERY		\$ 125.00
PAUL NOYES	OPEN GIFT	\$ 100.00
DOUGLAS HERLING	OPEN GIFT	\$ 35.00
ST. MARY'S GARDEN CLUB	BOOK	\$ 100.00
DR. DAVID ISZARD	OPEN GIFT	\$ 250.00
ROBERT SHERMAN/BILL RUFF		\$ 25.00
HENRY THOMAS	LIBRARY OF AMERICA	\$ 250.00
RUTH PARKER/LOIS ROWE		\$ 25.00
VALERIE GAMACHE	OPEN DONATION	\$ 20.00
ST. MARY'S GARDEN CLUB	BOOKS	\$ 100.00
FREEPORT WOMEN'S CLUB	MEM REITA HOLDEN	\$ 30.00
LOLA LEA	AUDIO GIFT	\$ 50.00
ERIN COYNE	2 AUDIO REPLACE	\$ 50.00
DEB READER	VID REPLACE	\$ 10.26
ELLEN WEEKS	VIDEO DONATION	\$ 100.00
RONALD, BARARA SMITH	CHILDREN'S BOOKS	\$ 300.00
GESTALT IN MAINE	EQUIPMENT FOR MEETING RM	\$ 150.00
KEVIN ZORSKI/		
ELISE THIEBODEAU	SUMMER READING PROGRAM	\$ 50.00
FORE RIVER FOUNDATION	REFERENCE BOOKS	\$1,000.00
DONALD GOULD	BARTOL ROOM	\$ 100.00
MARGARET H. SAMUELSON	CHILDREN'S BOOKS	\$ 190.00
TERRY D. DURRELL	BOOKS ANN JEAN	\$ 250.00
HUGH & ELEANOR SAUNDERS	REFERENCE BOOKS	\$ 50.00
MICHAEL C. MAHONEY	CHILDREN'S ROOM	\$ 100.00



**Item #2-01 - continued**

ANN WESTERVELT	MEMORIAL.C. HAINES	\$ 50.00
RICHARD & TONI MERRICK	HISTORICAL VIDEOS	\$ 100.00
L.L.BEAN... MEETING ROOM	ART RESTORATION	\$ 300.00
JANE BENON...MEMORIAL	C. HAINES...BOOKS	\$ 200.00
TERRY DURRELL	BOOKS ANN JEAN	\$ 250.00
MAINE PRESERVATION	MEETING ROOM ART RESTOR	\$ 30.00
FREEPORT WOMAN'S CLUB	EASELS FOR DISPLAY	\$ 100.00
SIEMENS MEETING ROOM	ART RESTORATION	\$ 100.00
COASTAL ECONOMIC DEVEL.	ART RESTORATION	\$ 16.00
FREEPORT WOMAN'S CLUB	MEMORIAL J. HALL	\$ 22.40

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**Item #3-01** To consider action relative to an expenditure from the Conley Trust Fund.

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**BE IT ORDERED:** That \$424.00 be expended from the Conley Trust Fund to provide for the purchase of a set of *History of the Modern World*.

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**Item #4-01** To consider action relative to appointments to the Planning Board, Freeport Economic Development Corporation and Solid Waste/Recycling Committee.

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**BE IT ORDERED:** That the following individuals be appointed to the Planning Board, FEDC and Solid Waste Recycling.

<u>Name</u>	<u>Board</u>	<u>Term Expires</u>
David Marstaller	Planning Board	May 1, 2001
Brad Kaufman	FEDC	June 1, 2002
Eric Sandin	Solid Waste/Recycling	January 1, 2004

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**Item #5-01** To consider action relative to the acceptance of a Donation to the Police Department.

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**BE IT ORDERED:** That a donation to the Police Department from Mrs. Paul Makanowitzky in the amount of \$500.00, be accepted.

**END OF CONSENT AGENDA**

The Board is recommending that the Council amend the Zoning Ordinance (5 in favor, 1 opposed), in the C-1 district, to allow freestanding drive-up restaurants if 75 indoor seats are provided. However, if fewer than 75 indoor seats are provided then the drive-up restaurant would have to be part of a larger building that has at least one other permitted use other than a drive-up restaurant. The amendment proposes to replace the existing definition included in Section 104 of drive-up restaurant (struck through) with the underlined definition.

~~Restaurant - Drive-up: A restaurant which must contain a minimum of seventy five (75) indoor seats and may, in addition, contain outdoor seating, and has a drive-up facility which permits customers to obtain food and drink while remaining in their vehicles.~~

Restaurant - Drive-up: A restaurant which permits customers to obtain food and drink while remaining in their vehicles. A drive-up restaurant must contain a minimum of seventy-five (75) indoor seats. In the C-1 district a drive-up restaurant may contain fewer than seventy-five indoor seats provided the following criteria are met: the drive-up restaurant contains a minimum of twenty-four (24) indoor seats, and the drive-up restaurant is part of a building with a minimum of 6,500 square feet of gross floor area that contains, or has the ability to contain, a permitted use other than a drive-up restaurant. In addition, a drive-up restaurant may contain outdoor seating.

*Approved Meeting #1-2001; Item # 7-01; Jan. 2, 2001*  
ZONING AMENDMENT - EXPANDING THE USE OF WAREHOUSE AND STORAGE FACILITIES IN THE MD-A AND MD-B DISTRICTS

As stated previously, this amendment is at the request of Freeport resident, Gary Profenno. The applicant has constructed one 2,400 sq. ft. building on his land in the MD-A district and would like to construct three more. In 1999, the Zoning Ordinance was amended to allow warehouse and storage facilities up to 2,500 square feet.

Mr. Profenno questioned whether the 2,500 sq. ft. of building area was per lot or per the minimum lot size

requirement (MD-A 50,000 sq. ft., MD-B 40,000 sq. ft.). Chris Vaniotis responded that the 2,500 limitation of building area was per lot regardless of the lot size.

The Planning Board held a public hearing on November 15, and agreed unanimously that the ordinance should be amended. In short, the amendments allow up to (4) 2,500 sq. ft. storage buildings on lots greater than 3 acres; 50,000 sq. ft. of land area is required for each additional 2,500 sq. ft. of building. This only applies in the MD-A and MD-B districts.

All property owners in the MD-A and MD-B districts were notified of the Planning Board's public hearing, no testimony from residents in either district was given at the meeting. The proposed amendment replaces permitted use 34 in the MD-A and MD-B districts (Sec. 406.B.34) Chris vaniotis has reviewed and approved the language.

The proposed language is as follows:  
Sec. 406 (B)

~~34. Warehouse and Storage Facility up to 2,500 square feet of gross floor area of building, and outdoor storage area limited to 5,000 square feet; outdoor storage up to 10,000 sq. ft. for lots over 3 acres; outdoor storage up to 10,000 sq. ft. for lumber and wood products. The type of items to be stored outdoors must be approved by the Planning Board.~~

Sec. 406 (B)

34. Warehouse and Storage Facility, subject to the following limitations:

(a) On a lot less than three acres, a warehouse and storage facility may contain:

- 1) No more than one principal building.
- 2) No more than 2,500 square feet of gross
- 3) floor area.
- 4) No more than 5,000 square feet of outdoor storage area, except that total outdoor storage area may be increased to no more than 10,000 square feet when the storage

includes at least 5,000 square feet of  
lumber and wood products.

5) No outdoor storage of any items other than  
the types of items approved by the Planning  
Board.

(b) On a lot of three acres or more, a warehouse  
and storage facility may contain:

1) In the MD-A District, one or more principal  
buildings with a total gross floor area of  
no more than 2,500 square feet for the  
first three acres plus an additional 2,500  
square feet for each additional 50,000  
square feet of land area over three acres,  
up to a total of no more than 10,000 square  
feet of gross floor area per lot.

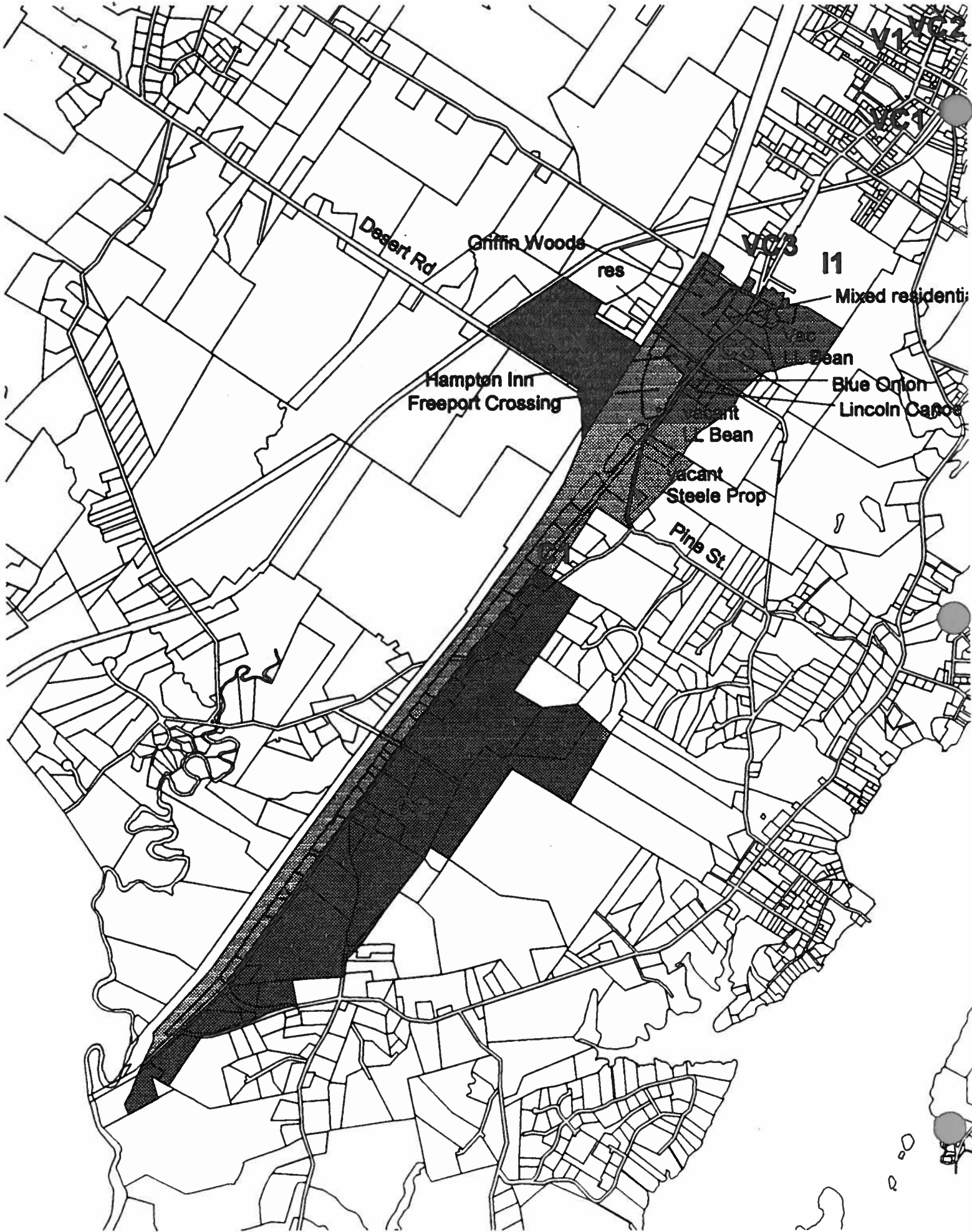
2) In the MD-B District, one or more principal  
buildings with a total gross floor area of  
no more than 2,500 square feet for the  
first three acres plus an additional 2,500  
square feet for each additional 40,000  
square feet of land area over three acres,  
up to a total of no more than 10,000 square  
feet of gross floor area per lot.

3) No more than 2,500 square feet of gross  
floor area in any single building.

4) No greater than 40 feet of separation  
between any two buildings on the lot.

5) No more than 10,000 square feet of outdoor  
storage area.

6) No outdoor storage of any items other than  
the types of items approved by the Planning  
Board.



Desert Rd

Griffin Woods

res

VC/3

I1

Mixed residential

vac

L Bean

Blue Onion

Lincoln Capoe

Hampton Inn  
Freeport Crossing

vacant

L Bean

vacant  
Steele Prop

Pine St.

# TOWN OF FREEPORT

Municipal Offices  
(207) 865-4743  
FAX (207) 865-0929



November 20, 2000

TO: Dale C. Olmstead, Jr., Town Manager  
FROM: Donna Larson, Town Planner  
SUBJECT: Planning Board recommended Zoning Amendments

On November 15, 2000, the Planning Board held two public hearings regarding Zoning Ordinance amendments. The first, at the request of the owner of Dunkin Donuts franchises in the area, was to reduce the required number of indoor seats for drive-up restaurants in the C-I district. The second, at the request of Freeport resident Gary Profenno, was to expand the use of warehouse and storage facility in the MD-A and MD-B districts.

*approved: meeting #1-2001; Item # 8-01; Jan. 2, 2001*

**ZONING ORDINANCE AMENDMENT - ALLOWING DRIVE-UP RESTAURANTS IN THE C-I DISTRICT TO HAVE 24 INDOOR SEATS PROVIDED THE USE IS IN A BUILDING WITH AT LEAST 6500 SQUARE FEET THAT CONTAINS ANOTHER PERMITTED USE OTHER THAN A DRIVE-UP RESTAURANT**

The owner of several Dunkin Donuts franchises in the area would like to open a new drive-up store in the most northerly building at Freeport Crossing in the C-1 district. Drive-up restaurants are permitted in the C-1 district provided 75 indoor seats are provided. Dunkin Donuts typically has 24 seats more or less.

At public hearings on November 1 and November 15, the Planning Board considered an amendment to the Zoning Ordinance that would reduce the number of required indoor seats from 75 to 24. To accommodate the applicant, the Board considered several options; 1) changing the zoning district of Freeport Crossing to C-III (see attached map) and reducing the number of required seating to 24, 2) reducing the number of indoor seats in the C-1 district to 24, 3) reducing the number of seats to 24 but requiring that the drive-up restaurant be part of a larger building with another permitted use other than drive-up restaurant.

The Board is recommending that the Council amend the Zoning Ordinance (5 in favor, 1 opposed), in the C-1 district, to allow freestanding drive-up restaurants if 75 indoor seats are provided. However, if fewer than 75 indoor seats are provided then the drive-up restaurant would have to be part of a larger building that has at least one other permitted use other than a drive-up restaurant. The amendment proposes to replace the existing definition included in Section 104 of drive-up restaurant (struck through) with the underlined definition.

~~Restaurant - Drive-up: A restaurant which must contain a minimum of seventy five (75) indoor seats and may, in addition, contain outdoor seating, and has a drive-up facility which permits customers to obtain food and drink while remaining in their vehicles.~~

Restaurant - Drive-up: A restaurant which permits customers to obtain food and drink while remaining in their vehicles. A drive-up restaurant must contain a minimum of seventy-five (75) indoor seats. In the C-I district a drive-up restaurant may contain fewer than seventy-five indoor seats provided the following criteria are met: the drive-up restaurant contains a minimum of twenty-four (24) indoor seats, and the drive-up restaurant is part of a building with a minimum of 6,500 square feet of gross floor area that contains, or has the ability to contain, a permitted use other than a drive-up restaurant. In addition, a drive-up restaurant may contain outdoor seating.

#### ZONING AMENDMENT - EXPANDING THE USE OF WAREHOUSE AND STORAGE FACILITIES IN THE MD-A AND MD-B DISTRICTS

As stated previously, this amendment is at the request of Freeport resident, Gary Profenno. The applicant has constructed one 2,400 sq. ft. building on his land in the MD-A district and would like to construct three more. In 1999, the Zoning Ordinance was amended to allow warehouse and storage facilities up to 2,500 square feet.

Mr. Profenno questioned whether the 2,500 sq. ft. of building area was per lot or per the minimum lot size

*Approved: Muller  
# 1-2001  
DRAFT 11/16/2000  
Item # 9-01  
Jan. 2, 2001*

**TOWN OF FREEPORT  
EXTENDED AND AMENDED MORATORIUM  
ON PROCESSING APPLICATIONS FOR MAJOR SUBDIVISIONS**

WHEREAS, with the goals of preparing for and effectively managing anticipated residential growth in the Town of Freeport, the Freeport Town Council has created a Residential Growth Management Committee consisting of 15 members of the community; and

WHEREAS, the Residential Growth Management Committee is charged with identifying growth areas, making recommendations for revisions to the Town's subdivision regulations, making recommendations for the protection of open space, identifying areas of special significance, and developing a system of development impact fees; and

WHEREAS, the Residential Growth Management Committee is working diligently on its recommendations but needs more time before it is ready to report to the Freeport Town Council; and

WHEREAS, there remain many large tracts of undeveloped land in Freeport which are currently zoned to allow residential development; and

WHEREAS, the Town Council anticipates that continued residential growth in Greater Portland will put development pressure on the open land in Freeport; and

WHEREAS, until the Residential Growth Management Committee completes its work and the Town takes steps to implement the recommendations made by the Committee, the application of the Town's existing Comprehensive Plan and land use ordinances is inadequate to prevent serious public harm from rapid, uncontrolled residential development; and

WHEREAS, "major subdivisions," defined in the Town of Freeport Subdivision Ordinance as "any subdivision containing more than five (5) lots, or any subdivision requiring any new public street, extension, or the extension of municipal facilities," create the greatest



potential for serious adverse impact if they are developed before the Town has had the opportunity to revise, update and strengthen its land use ordinances; and

WHEREAS, planned retirement communities providing care and services to elderly households do not pose the same potential problems as other types of major subdivisions; and

WHEREAS, the Town Council finds that the problems giving rise to the need for a moratorium continue to exist and that reasonable progress is being made to alleviate the problems;

NOW, THEREFORE, the Town of Freeport hereby ordains as follows:

1. Acceptance, processing and acting upon applications prohibited. During the time this Ordinance is in effect, no officer, official, employee, office, board or agency of the Town of Freeport shall accept, process, approve, deny, or in any other way act upon any application for a "major subdivision," as defined in Section 25-301(20) of the Freeport Subdivision Ordinance.
2. Applicability. Notwithstanding anything to the contrary in 1 M.R.S.A. § 302, this Ordinance applies to any application for a major subdivision which had not become a "pending proceeding" as defined in 1 M.R.S.A. § 302 prior to July 14, 2000.
3. Effective date and duration. This Ordinance takes effect immediately upon enactment by the Freeport Town Council and shall remain in effect through July 13, 2001, unless extended, amended or repealed by the Freeport Town Council.
4. Exception for retirement communities. This Ordinance shall not apply to any subdivision which is a retirement community. For purposes of this Ordinance,

"retirement community" means a planned community which provides housing for elderly persons in a variety of housing types, ~~which can accommodate at least 150~~ *See minutes* ~~residents~~, which provides a variety of levels of care and a range of services to elderly persons, and which is designed to provide a sense of unified development with a common design character. For purposes of this Ordinance, "elderly person" means a person age 55 or older.

5. Extension of Moratorium Ordinance. This Ordinance extends and amends the Town of Freeport Moratorium on Processing Applications for Major Subdivisions enacted by the Freeport Town Council on August 1, 2000.

# TOWN OF FREEPORT

Municipal Offices  
(207) 865-4743  
FAX (207) 865-0929



December 11, 2000

TO: Dale C. Olmstead, Town Manager

FROM: Donna Larson, Town Planner

RE: Planning Board recommended zoning map amendment

Mrs. Adelaide Moore, represented by her son Brian Moore, owning property at 219 Main St., Tax Assessor Map 10, Lot 11, wanted to split her 43,000 square feet lot into two lots. The front portion of the lot is in the Village I zone (20,000 sq. ft. minimum lot size); the back portion is in the RP II District (2.5 acre minimum lot size). Section 201.F. of the Zoning Ordinance regulates lots transected by more than one zoning district. That section requires such a lot to meet the minimum lot size of all zoning districts on the property. In this case, a new lot would have to be the combined minimum lot sizes of the RP-II and V-I Districts, or 2.95 acres.

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Based on this information, Fred Reeder, CEO denied her request to split the 43,000 sq. ft. lot and suggested that she consider an appeal to the Board of Appeals. The Board of Appeals also denied the request. The applicant then went to the Planning Board with a request to amend the Zoning Ordinance.

The Planning Board considered two options. The first was to amend Sec. 201.F so that a lot wouldn't have to meet two minimum lot sizes, but the lot size of the dominant zone. The second option was to consider relocating the RP-II District (a map amendment rather than a text amendment) so that it wasn't on the Moore property.

After considering the first option, the Board recommended that removing the RP-II District be explored as had been done when the library was built. The request was forwarded to Andrews Tolman, currently with the Maine Drinking Water Program and who previously worked on an Evaluation of the Wellhead Protection Zone Frost Gully Brook Wellfield, Freeport Maine prepared by Robert G. Gerber, Inc. This

study was done in 1995, in conjunction with the library construction project. Mr. Tolman concluded in a letter dated November 9, 2000, that removing the RP II District would be appropriate for residential uses but that other land uses that would discharge toxic or biological materials could compromise the water supply at Frost Gully. Placing Mr. Tolman's letter (see attached) in the permanent file for the two lots is a condition of the Planning Board approval. The Board agreed that any use other than residential use would require site plan review, and this condition would be reviewed at that time.

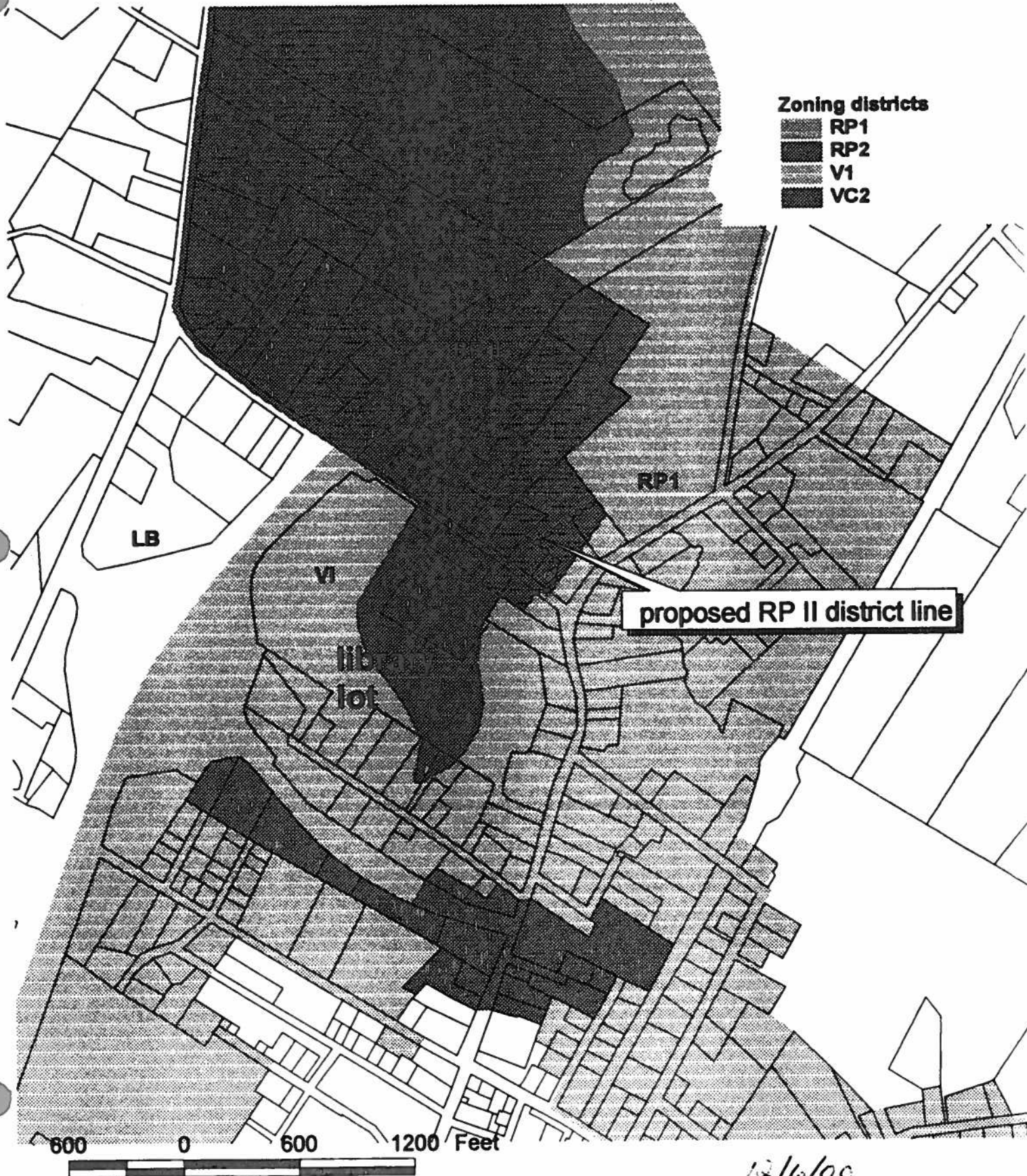
The Planning Board unanimously agreed that in this case a map amendment (see attached map) was more appropriate than a text amendment that would have town-wide implications. On December 6, 2000 the Planning Board made the following motion:

Be it further ordered that the Planning Board recommend to the Town Council the adoption of the proposed amendment to the Zoning Map, which relocates the RP II District on Tax Assessor Map 15, Lots 10 and 11, for the following reasons:

1. ~~Consumers Water of Maine and the Maine Drinking Water Program have reviewed the request and determined that~~ the amendment will not adversely affect the drinking water supply.
2. The letter from Andrews Tolman, C.G, Department of Human Services, Drinking Water Program, dated November 9, 2000, be part of the permanent file of Tax Assessor Map 15, Lots 10 and 11.
3. This action is consistent with the Comprehensive Plan.

**TOWN OF FREEPORT  
FROST GULLY BROOK WELLFIELD**

*Approved: Meeting # 1-2001  
Item # 10-01  
Jan. 2, 2001*



Meeting # 1-2001

Item # 11-01

Jan. 2, 2001

*Adopted*

**PROPOSED AMENDMENT  
FREEPORT ADMINISTRATIVE CODE  
CHAPTER 2**

**601.1 Appointments to Boards and Commissions.**

- 6. Each Board and Commission shall hold an election of officers at the first regularly scheduled meeting following the annual appointments of the Town Council.**